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09/981,696	10/16/2001	Eiji Kawai	09812.0174-00000	7316
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,696

Applicant(s)

KAWAI, Eiji

Examiner

Jonathan Ouellette

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-14, 19-21, 24-32 and 35-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-14, 19-21, 24-32, and 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 6, 7, 15-18, 22, 23, 33, and 34 have been cancelled, and Claims 41-45 have been added; therefore, Claims 1-5, 8-14, 19-21, 24-32, and 35-45 are pending in application 09/981,696.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1-5, 8-14, 19-21, 24-32, and 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. (US 6,587,835 B1) in view of Gershman et al. (US 6,401,085 B1).**
4. As per **independent Claim 1**, Treyz discloses an electronic guide information processing system for electronically processing guide information about a customers attracting facility having an entrance and an exit (inherent to any public facility, Fig 10), comprising: an information distributing apparatus for converting the guide information into electronic guide information (store computer, data configuration for transmission), and then distributing the electronic guide information (transmitting

data, Fig.2, Fig.13); a portable terminal apparatus for recording and presenting the electronic guide information for an information user (Figs.1, 2, 13, 37, 42; C13, data transmission; C34-37), and an information processing apparatus comprising an information collecting apparatus for collecting the electronic guide information from the portable terminal apparatus at the exit (collecting data is equivalent to deleting/erasing the data as claimed in the next step; C49, shopping assistance link deleted/collected along with icon/descriptive information – once user out of range or has exited the facility), the information processing apparatus erasing the electronic guide information from the portable terminal apparatus at an exit of the facility (C49, shopping assistance link deleted along with icon/descriptive information – once user out of range or has exited the facility) and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit (C46 L9-42, Financial transaction information sent to user – indicates where and what the user did with the system – *the location of receiving the data would be obvious and non-functional*).

5. Treyz fails to expressly disclose wherein the information is transmitted to the customer users using encryption/decryption technology.
6. Gershman discloses using encryption/decryption technology to transmit information wirelessly to customers (Fig.27A-27B)
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transmitting information to the customer users using encryption/decryption technology, as disclosed by Gershman in the

system disclosed by Treyz, for the advantage of providing a method of providing guide information, with the ability to increase system security and information integrity by providing information to users in a secure manner (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

8. As per Claim 2, Treyz discloses wherein the electronic guide information is distributed to the portable terminal apparatus by use of an already-existing broadcasting infrastructure or/and a communication infrastructure (RF, IR, Bluetooth transmission infrastructure).
9. As per Claim 3, Treyz discloses wherein an information-recording medium is mounted to the portable terminal apparatus, and wherein the electronic guide information about the customers attracting facility is recorded in the information-recording medium (C35 L10-20, removable storage media).
10. As per Claim 4, Treyz discloses wherein the information recording mediums is provided by use of an already-existing sales infrastructure (C35 L10-20, store provides removable storage media).
11. As per **independent Claim 5**, Treyz discloses an electronic guide information processing system for processing guide information about a customers attracting facility which restricts the customers to go in and out of the customers attracting facility only through its entrance and exit (common amusement park customer ticketing/access control, Treyz discloses ticketing elements), the system comprising: an information lending apparatus for converting the guide information into electronic

guide information, and lending the electronic guide information, to an information user (Kiosk, C22 L43-54; or Transmission of electronic guide information once user is within range, C22 L16-42); a portable terminal apparatus for recording and presenting the electronic guide information which has been lent from the information lending apparatus (Fig.13, Handheld computing device); and an information collecting apparatus for collecting at the exit (collecting data is equivalent to deleting/erasing the data as claimed in the next step; C49, shopping assistance link deleted/collected along with icon/descriptive information – once user out of range or has exited the facility), the electronic guide information which has been lent to the portable terminal apparatus (Transmission system or kiosks), wherein, when the electronic guide information is collected at the exit, the electronic guide information is erased at the exit (C49, shopping assistance link deleted along with icon/descriptive information – once user out of range or has exited the facility), and information about the information user's use of the customer attracting facility is written in the portable terminal apparatus at the exit (C46 L9-42, Financial transaction information sent to user – indicates where and what the user did with the system – *the location of receiving the data would be obvious and non-functional*); and wherein reading of the electronic guide information is permitted at the entrance, while the reading of the electronic guide information is inhibited at the exit (Reading of Guide information is within transmission range – which can be configured to be at entrance/exit to a facility, C23 L8-35).

12. Treyz fails to expressly disclose wherein the information is transmitted to the customer users using encryption/decryption technology.
13. Gershman discloses using encryption/decryption technology to transmit information wirelessly to customers (Fig.27A-27B)
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transmitting information to the customer users using encryption/decryption technology, as disclosed by Gershman in the system disclosed by Treyz, for the advantage of providing a method of providing guide information, with the ability to increase system security and information integrity by providing information to users in a secure manner (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).
15. As per Claim 8, Treyz discloses wherein specific wireless broadcasting means effective in a target area is provided to the customers attracting facility, and wherein the electronic guide information is provided to the portable terminal apparatus from the specific wireless broadcasting means.
16. As per Claim 9, Treyz discloses wherein the portable terminal apparatus comprises receiving means for receiving a wireless broadcasting signal from the specific wireless broadcasting means.
17. As per Claim 10, Treyz discloses wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility.

18. As per Claim 11, Treyz discloses wherein the electronic guide information received by the receiving means is correlated with electronic guide information, which has been already stored in the portable terminal apparatus.
19. As per Claim 12, Treyz discloses wherein the portable terminal apparatus comprises position-measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to specify the position of this portable terminal apparatus itself.
20. As per Claim 13, Treyz discloses wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility.
21. As per Claim 14, Treyz discloses wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility, which has been already stored in the portable terminal apparatus.
22. As per **independent Claim 19**, Treyz discloses a portable terminal apparatus for obtaining and processing electronic guide information about a customer attracting facility (Fig.13, Handheld computing device) having an entrance and an exit (inherent to any public facility, Fig 10), the apparatus comprising a manipulating section (Computer, Fig.13); a receiving section (Fig.13, Handheld computing device); a nonvolatile storing apparatus (Handheld computing device – memory; or system server); and a controlling apparatus (system server collects user information, C46).
23. As for the limitations of the functions of the apparatus or what the apparatus does, i.e.
- “when the electronic guide information about the customers attracting facility is

- collected, erasing the electronic guide information,” these carry no patentable weight in an apparatus claim. Apparatus claims should cover what a device is or structures or structural elements, not what a device does. See *Hewlett-Packard Co. vs. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).
24. Furthermore, Treyz fails to expressly disclose wherein the information is transmitted to the customer users using encryption/decryption technology.
25. Gershman discloses using encryption/decryption technology to transmit information wirelessly to customers (Fig.27A-27B)
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transmitting information to the customer users using encryption/decryption technology, as disclosed by Gershman in the system disclosed by Treyz, for the advantage of providing a method of providing guide information, with the ability to increase system security and information integrity by providing information to users in a secure manner (See *KSR* [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).
27. As for Dependent Claims 20-21 and 24-27, which further deal with other functions of the apparatus, they are rejected for the same reason set forth in Claim 19 above.
28. As per **independent Claim 28**, Treyz discloses a method for processing electronic guide information which electronically processes guide information about a customers attracting facility having an entrance and an exit (inherent to any public facility, Fig 10), the method comprising the steps of: producing electronic guide

information at an information provider side by converting the guide information (store computer, data configuration for transmission), and distributing the electronic guide information to a portable terminal apparatus carried by an information user (transmitting data, Fig.2, Fig.13); obtaining the distributed electronic guide information at the information user side (send and receive transmission); presenting the obtained electronic guide information to the information user (C1-C2); collecting the electronic guide information from the portable terminal apparatus at the exit (collecting data is equivalent to deleting/erasing the data as claimed in the next step; C49, shopping assistance link deleted/collected along with icon/descriptive information – once user out of range or has exited the facility); erasing the electronic guide information from the portable terminal apparatus at an exit from the facility (C49, shopping assistance link deleted along with icon/descriptive information – once user out of range or has exited the facility); and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit (C46 L9-42, Financial transaction information sent to user – indicates where and what the user did with the system – *the location of receiving the data would be obvious and non-functional*).

29. Treyz fails to expressly disclose wherein the information is transmitted to the customer users using encryption/decryption technology.
30. Gershman discloses using encryption/decryption technology to transmit information wirelessly to customers (Fig.27A-27B)

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transmitting information to the customer users using encryption/decryption technology, as disclosed by Gershman in the system disclosed by Treyz, for the advantage of providing a method of providing guide information, with the ability to increase system security and information integrity by providing information to users in a secure manner (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).
32. As per Claim 29, Treyz discloses wherein the electronic guide information is distributed to the portable terminal apparatus by use of an already-existing broadcasting infrastructure or/and a communication infrastructure.
33. As per Claim 30, Treyz discloses wherein the electronic guide information about the customers attracting facility is recorded in an information recording medium and is provided to an information user, and wherein, at the time of using the information recording medium, the information user mounts the information recording medium to the portable terminal apparatus (C35 L10-20, removable storage media).
34. As per Claim 31, Treyz discloses wherein the information-recording medium is provided by use of an already-existing sales infrastructure (C35 L10-20, store provides removable storage media).
35. As per **independent Claim 32**, Treyz discloses a method for processing electronic guide information which processes electronic guide information about a customers attracting facility which restricts the customers to go in and out of the customers

attracting facility only through its entrance and exit (common amusement park customer ticketing/access control, Treyz discloses ticketing elements), the method comprising the steps of: lending the electronic guide information at the entrance to a portable terminal apparatus carried by an information user (transmitting guide information – links, icon, C49); collecting, at the exit, the electronic guide information which has been lent to the portable terminal apparatus (collecting data is equivalent to deleting/erasing the data as claimed in the next step; C49, shopping assistance link deleted/collected along with icon/descriptive information – once user out of range or has exited the facility); erasing the lent electronic guide information at the exit from the portable terminal apparatus (C49, shopping assistance link deleted along with icon/descriptive information – once user out of range or has exited the facility); and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit (C46 L9-42, Financial transaction information sent to user – indicates where and what the user did with the system – *the location of receiving the data would be obvious and non-functional*).

36. Treyz fails to expressly disclose wherein the information is transmitted to the customer users using encryption/decryption technology.
37. Gershman discloses using encryption/decryption technology to transmit information wirelessly to customers (Fig.27A-27B)
38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included transmitting information to the customer

users using encryption/decryption technology, as disclosed by Gershman in the system disclosed by Treyz, for the advantage of providing a method of providing guide information, with the ability to increase system security and information integrity by providing information to users in a secure manner (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

39. As per Claim 35, Treyz discloses wherein specific wireless broadcasting means are effective only in a target area is provided to the customers attracting facility, and wherein the electronic guide information is provided to the portable terminal apparatus carried by information user from the specific wireless broadcasting means (transmission area).
40. As per Claim 36, Treyz discloses wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility (C10 L3-6, shopping cart mounted devices).
41. As per Claim 37, Treyz discloses wherein the electronic guide information received by the receiving means is correlated with electronic guide information, which has been already stored in the portable terminal apparatus (C22, map data downloaded from kiosk correlated with transmitted guide data).
42. As per Claim 38, Treyz discloses wherein the portable terminal apparatus comprises position-measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to specify the position of this portable terminal apparatus itself (C23, GPS).

43. As per Claim 39, Treyz discloses wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility (C10 L3-6, shopping cart mounted devices).
44. As per Claim 40, Treyz discloses wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility, which has been already stored in the portable terminal apparatus (C22, map data downloaded from kiosk correlated with transmitted guide data).
45. As per new Claims 41-45, Treyz and Gershman disclose wherein the information processing apparatus writes advertisement information about the customer attracting facility in the portable terminal apparatus at the exit (C47-C48, targeted advertising; C51 L18-26, advertisements received at checkout).

Response to Arguments

46. Applicant's arguments filed 12/14/2007, with respect to Claims 1-5, 8-14, 19-21, 24-32, and 35-45, have been considered but are not persuasive. The rejection will remain as FINAL, based on the cited prior art.
47. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is

mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. As per the Applicant's arguments, the Applicant is directed to the clarified rejection above.

Conclusion

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
51. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

March 27, 2008

/Jonathan Ouellette/

Art Unit: 3629

Primary Examiner, Art Unit 3629